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10/065,745	11/14/2002	Nenad Rijavec	BLD920020007	7517
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LAW OFFICE OF CHARLES W. PETERSON, JR. - INFOPRINT				
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EXAMINER				
HUNTSINGER, PETER K				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
11/03/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/065,745

Applicant(s)

RIJAVEC, NENAD

Examiner

Peter K. Huntsinger

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 2-4, 6-9 and 14-26
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

/Peter K Huntsinger/
Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because:

The Applicant argues on pages 8 and 9 of the response in essence that:

The term "commercially available network" is definite because it excludes trade secret technology and was used in a statement by the U.S. Department of Health and Human Services.

The term "commercially available network" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Applicant has not provided a clear definition of a "commercially available network". The mere fact that a "commercially available network" would exclude trade secret technology as the Applicant contends only implies that a "commercially available network" is one that is generally known or reasonably ascertainable. A network that is generally known or reasonably ascertainable does not provide meaningful limits to the claims.

The Applicant argues on page 10 of the remarks in essence that:

Using video print machines through a high speed interconnect bus is quite different from a commercially available network.

Motamed '050 discloses that the RIPs are connected to one or more video print machines 64 via a high speed interconnect bus 74 (col. 7, lines 26-35). Because the high speed interconnect bus 74 is part of a standard computer system (col. 6, lines 45-59, any standard hardware or software RIP may be used in connection with the various modules which comprise the invention), the network can be considered a commercially available network.

The Applicant argues on page 11 of the response in essence that:

The high speed interconnect bus 74 of Motamed '050 is based on the PCI bus which transfers multiple parallel bytes of data at data rates much higher than typical commercially available networks.

The Applicant has not provided any evidence regarding the data rates required for a commercially available network.

The Applicant argues on page 11 of the response in essence that:

Motamed '050 does not disclose a bidirectional network as recited by claims 14 and 20.

Tannenbaum '967 discloses wherein said one or more sequencer-to-page networks and said one or more RIP-to-head driver networks are bidirectional networks (col. 3, lines 1-20, rasterizer logic is connected to the bit block transfer node such that bidirectional transfer of data between the rasterizer logic and the bit block transfer node is allowed).

The Applicant argues on pages 11 and 12 of the response in essence that:

The combination of Barry '943 with Motamed '050 would change the principle of operation of the prior art invention being modified.

In the rejection of the claims, Motamed '050 is used to modify the teaching of Barry '943 and not vice versa. Barry '943 does not disclose expressly a plurality of print head drivers. Motamed '050 discloses a plurality of said processors providing a plurality of print head drivers communicating over a plurality of RIP-to-head driver networks (col. 7, lines 26-35, each RIP may be connected to a different, dedicated print engine). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize a plurality of print head drivers. The motivation for doing so would have been to increase the print processing speed.